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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/909, 487 08/12/97 CHEN

J 028

EXAMINER

HM12/0908

ART UNIT PAPER NUMBER

JOHN CHEN
APPLIED ELASTOMERIC INC
1336 ODDSTAD BOULEVARD
PACIFICA CA 94044

1651
DATE MAILED:

09/08/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on June 24, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 O.G. 213.

A shortened statutory period for response to this action is set to expire TWO month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 1-8 is/are allowed.

Claim(s) _____ is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. DEC 16, 1997

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

SER. NO. 08/909,487

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 1651

1. Receipt is acknowledged of the election and amendments filed June 24, 1999. The restriction/election has been withdrawn in view of the excellent arguments submitted by applicant.

2. Claims 1-8 are now present in the instant application.

3. Applicant is kindly requested to correct the deficiencies as noted by draftsperson on the PTO dated December 16, 1997.

4. The disclosure is objected to because of the following informalities: on page 4, Figure 10b refers to Figure 9a which appears not to be the appropriate Figure.

Appropriate correction is required.

5. No anticipatory art has been found nor do the references alone or in combination suggest an aerodynamic toy comprising an airfoil of the specific claimed crystal gel .

6. This application is in **condition for allowance** except for the above objection.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is (703) 308-2034 and fax number (Art Unit 1651) is (703) 305-7939 or SPE Michael Wityshyn whose telephone number is (703) 308-4743. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

H.J.Lilling: HJL
(703) 308-2034
Art Unit 1651
Sept 07, 1999

Herbert J. Lilling
HERBERT J. LILLING
PATENT EXAMINER
GROUP 160 ART UNIT 1651